

**IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF ALABAMA**

**SUSAN S. DEPAOLA, Chapter 7 Trustee
for the Bankruptcy Estate of Philip L.
Goodwyn, and SIMPLE PLEASURES,
INC.,**

Plaintiffs,

v.

**V RESTAURANTS, INC., an Alabama
corporation, and VINCE SAELE, an
individual,**

Defendants.

Case Number: 06-00893-WKW-SRW

**Bankruptcy Case No. 05-32325 –
Chapter 7, Bankruptcy Adv. Pro. No.
05-03062-WRS**

**PLAINTIFF'S PRETRIAL DISCLOSURES
PURSUANT TO FED. R. CIV. P. 26 (A) (3)**

COMES NOW the Plaintiff, Susan S. DePaola, by and through counsel, in accordance with the court's scheduling order, October 5, 2006, and submits the following exhibit list:

Exhibits and other Materials.

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- 1 Petition, Schedules and Disclosures, Bankruptcy Case of Philip Goodwyn, Case Number 05-32325
- 2 Commercial Lease, May 17, 1996
- 3 Lease Modification Agreement, February 1, 1999
- 4 Lease Draft July 26, 2001
- 5 Commercial Lease, July 26, 2001
- 6 Commercial Lease (V Restaurants, Inc.), September 20, 2004

- 7 Commercial Lease (V Restaurants, Inc.), November 10, 2004
- 8 Legal Notice Concerning Notice of Public Sale
- 9 Legal Notice
- 10 Bill of Sale
- 11 Undated Letter to Ed H. Fatzinger, III, from Philip Goodwyn
- 12 Letter from Ed H. Fatzinger, III, to Philip Goodwyn, September 1, 2004
- 13 Letter from Ed H. Fatzinger, III, to Philip Goodwyn, November 4, 2004
- 14 Regions Bank Loan Documents
- 15 Regions Bank Commercial Security Agreement
- 16 Letter from Von G. Memory to Robert Smith, October 11, 2004
- 17 Undated Letter from Robert L. Smith to Von G. Memory
- 18 Case File: Regions Bank vs. Simple Pleasures Inc D/B/A Gators Plaza Cafe & Philip Goodwyn, Case Number: CV 2005-1976
- 19 Case File: American Bass Anglers, Inc., et al., v. Gators Plaza Café, et al., Case Number CV 2004-247
- 20 Letter from Von G. Memory to Philip Goodwyn with Internal Revenue Service abstract
- 21 Notice of Levy (July 14, 2005)
- 22 Letter from Von G. Memory to L. C. Wilson, Internal Revenue Service
- 23 Letter from Von G. Memory to L.C. Wilson, September 10, 2004 with Application for Certificate of Discharge from Federal Tax Lien
- 24 Letter from Von G. Memory to L. C. Wilson, September 28, 2004
- 25 Internal Revenue Service File of Philip Goodwyn and Simple Pleasures
- 26 Notice of Internal Revenue Service Certificate of Discharge and Release of Lien
- 27 Notice of Levy and Taxpayer Rights, July 8, 2006
- 28 Proof of Claim, Internal Revenue Service
- 29 Notice of Release of Levy
- 30 Memorandum of Understanding, September 24, 2004
- 31 Correspondence and Contract for Sale (October 18, 2004)
- 32 Undated Draft of Asset Purchase Agreement and Business Lease
- 33 Draft Contract for Sale, September 24, 2004
- 34 Equipment List, Undated

- 35 Equipment List, December 31, 1996 – January 31, 2003
- 36 Equipment List, Undated
- 37 History of Rent Payments
- 38 Letter from Robert J. Russell, Jr. to Von G. Memory, November 30, 2004
- 39 Spectrum Vaughn Plaza Responses to Plaintiff's Interrogatories
- 40 Affidavit of Edgar H Fatzinger, III, July 27, 2005
- 41 All documents on the Defendants' Pre-Trial Disclosure list;
- 42 All documents provided in discovery from Defendants
- 43 Any documents needed for rebuttal

Respectfully submitted on February 14, 2007.

Memory & Day

By: /S/ James L. Day
James L. Day
ASB-1256-A55J

Von G. Memory
ASB-8137-071V

Attorneys for Plaintiff

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing document on the following, by:

- ☒ placing same in the United States Mail, postage prepaid, and properly addressed
- ☒ E-mail
- ☐ facsimile

☐ hand delivery

☐ delivered in open court

on February 14, 2007.

D. Coleman Yarbrough, Esq.
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Montgomery, AL 36106

Daniel G . Hamm, Esq.
560 South McDonough St.
Montgomery, Alabama 36104

/S/James L. Day